



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply to
Attn. of: ETPA-087

Ref: 00-043-DOT

Ms. Patricia Sullivan, Project Manager
Federal Aviation Administration
Airports Division – Alaska
222 W. 7th Avenue, #14
Anchorage, Alaska 99513-7504

Dear Ms. Sullivan:

The U.S. Environmental Protection Agency (EPA), Region 10, has reviewed the **Final Environmental Impact Statement (FEIS) and 4(f) Evaluation for the Juneau International Airport (JIA), Juneau, Alaska**. The FEIS examines the proposed actions, alternatives for each action, and identifies the preferred alternative for each action. The primary actions proposed by the FAA in the FEIS include modifications to the runway safety area (RSA), snow removal equipment and maintenance facilities, fuel farm access, aircraft parking and storage facilities, and the wildlife hazard management program.

In our letter dated July 7, 2005, we rated the Draft EIS, EO-2 (Environmental Objections-Insufficient Information). This rating was based largely on the direct impacts to high/very high functioning estuarine wetlands, wildlife habitat, and essential fish habitat, as well as impacts to Duck and Jordan Creeks, which are both Clean Water Act (CWA) §303(d) listed waterbodies, identified in the document.

Our review of the FEIS indicates that the FAA was responsive to our comments on the Draft EIS. We are pleased that new alternatives were developed, and others were modified (in particular for the RSA), using comments received from JIA, EPA, other agencies, and the public. We also acknowledge and commend the FAA for the considerable effort it undertook to carefully weigh public and agency comment following public review of the DEIS, respond with additional analysis, and revise the proposed actions in the FEIS.

EPA acknowledges the improvements that have been made and supports the identification of the preferred alternative including RSA-5E. According to the FEIS, the rationale for selecting the preferred alternative is that it meets the requirements of P.L.109-443. We would agree that FAA has satisfied the requirements of P.L.109-443 by identifying RSA-5E as the preferred alternative in the final EIS. However, compliance with P.L. 109-443 does not supersede the obligation to comply with other applicable laws such as the Clean Water Act 404(b)(1) when making a final decision about alternative implementation in the ROD. The

NEPA regulations draw a clear distinction between the *preferred alternative*, which agencies shall identify in the FEIS [40 CFR § 1502.14(e)], and the *decision*, which agencies shall state in the ROD [40 CFR § 1505.2(a)]. Although agencies often decide to implement the preferred alternative, they are not required to do so. Agencies may (and sometimes do) decide to implement an alternative other than the preferred alternative. In this case, P.L. 109-443 directs FAA as to which RSA alternative to “select as the *preferred alternative*” (emphasis added), but does not specifically require implementation of the preferred alternative. The decision in the ROD should be made according to processes that comply with all relevant laws, which in this case may well lead to the same conclusion. In order to receive a 404 permit, the alternative must also meet Clean Water Act requirements. Therefore we strongly suggest that the rationale for selecting an alternative in the Record of Decision (ROD) include a discussion showing that the selected alternative complies with the 404(b)(1) Guidelines.

EPA supports the development of a compensatory mitigation plan. However, since the effectiveness of the mitigation is entirely dependent on the details and implementation of that plan, EPA encourages FAA to include specific information in the ROD, including the mitigation sequence and firm commitments for ratios and amounts.

A summary of our comments will be published in the Federal Register. Thank you for the opportunity to work collaboratively on this project throughout the development of the EIS. If you have questions or comments concerning our review, please contact Jennifer Curtis at (907) 271-6324, Chris Meade at (907) 586-7622 or me at (206) 553-1601.

Sincerely,

//s//

Christine B. Reichgott, Manager
NEPA Review Unit

Cc: Dave Palmer, Manager, JIA
Chris Meade, AOO/J
Jennifer Curtis, AOO/A